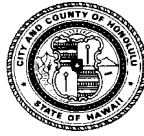


**CHARTER COMMISSION  
CITY AND COUNTY OF HONOLULU  
711 Kapiolani Blvd. Suite 1485  
Honolulu, Hawaii 96813**



**FULL TEXT OF PROPOSED CHARTER AMENDMENTS**

For charter questions on the November 7, 2006 General Election ballot  
to be decided by the voters of the City & County of Honolulu

For more information, please contact the Charter Commission at 592-8622 or  
[charter@honolulu.gov](mailto:charter@honolulu.gov) or visit the website at <http://www.honolulu.gov/chc>.

**The full text of charter amendments are provided below in Ramseyer style:  
[Brackets] indicate deletions, and underlining indicates additions.**

#### **FULL TEXT - CHARTER QUESTION #1**

*If Charter Question #1 passes, then the amendment to the Charter depends on the result of the vote on Charter Question #2.*

#### **FULL TEXT - CHARTER QUESTION #2**

***IF ALTERNATIVE A IS ADOPTED:***

***Amend RCH Section 3-102:***

##### **Section 3-102. Number, Election and Terms of Office of Councilmembers —**

The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. Except as provided in Section [16-122] 16-\_\_\_, the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. [The terms shall be staggered in accordance with Section 16-122. No person shall be elected to the office of councilmember for more than two consecutive four-year terms.]

***Amend RCH Section 13-116 (see paragraph no. 1):***

##### **Section 13-116. City Elections —**

1. In general: City elections shall be conducted in accordance with the election laws of the state insofar as applicable, but all city elective officers shall be elected by nonpartisan special elections. Except as otherwise provided in this charter, such special elections shall be held in conjunction with the primary and general elections of the applicable year. In the case of the council, such special elections shall be held in 2002 and every second year thereafter, and after the 2010 special elections, every fourth year thereafter. In the case of the mayor and the prosecuting attorney, such special elections shall be held every fourth year following the 1992 election.

2. First special election: In the case of the offices of mayor, prosecuting attorney or councilmember, any candidate receiving a majority of the votes cast for that office shall be deemed elected. However, if there is no more than one candidate for each of the offices of mayor, prosecuting attorney or councilmember, such persons shall be deemed elected regardless of the number of votes received.

3. Second special election: Unless a candidate for mayor, prosecuting attorney, or councilmember is elected in the first special election, the names of the two candidates receiving the highest number of votes for these offices in the first special election shall be placed on the ballot for the second special election. At the second special election the candidates receiving the highest number of votes for mayor, prosecuting attorney and councilmember, respectively, shall be deemed elected.

***Repeal RCH Section 16-122 and insert new language:***

**Section 16- . Transitional Provisions for the Elimination of Councilmembers'**

**Term Limits and Staggered Terms —**

1. Term limits for councilmembers and the staggering of councilmember terms shall end at twelve o'clock meridian on January 2, 2011, and shall be implemented in accordance with this section.

2. A person elected as councilmember to a four-year regular term in 2002 and 2006 in council districts II, IV, VI and VIII shall be eligible for election to a four-year regular term in 2010.

3. A person elected to serve as councilmember for council districts I, III, V, VII or IX in the special elections held in 2008, shall be elected to a two-year regular term commencing on January 2, 2009.

4. After the expiration of the two-year regular term for council districts I, III, V, VII or IX established by this section, the subsequent regular terms of the councilmembers of the odd-numbered council districts shall be subject to Section 3-102.

5. For the special elections held in 2010, councilmembers for all nine council districts shall be elected to four-year regular terms commencing on January 2, 2011, and thereafter shall be eligible for election to the office of councilmember without limit on the number of terms served in the office of councilmember.

***Create new section in RCH Article XVI:***

**Section 16- . Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.

***IF ALTERNATIVE B IS ADOPTED:***

***Amend RCH Section 3-102:***

**Section 3-102. Number, Election and Terms of Office of Councilmembers —**

The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. Except as provided in Section [16-122] 16-, the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. [The terms shall be staggered in accordance with Section 16-122.] No person shall be elected to the office of councilmember for more than [two] three consecutive four-year terms.

***Amend RCH Section 13-116 (see paragraph no. 1):***

**Section 13-116. City Elections —**

1. In general: City elections shall be conducted in accordance with the election laws of the state insofar as applicable, but all city elective officers shall be elected by nonpartisan special elections. Except as otherwise provided in this charter, such special elections shall be held in conjunction with the primary and general elections of the applicable year. In the case of the council, such special elections shall be held in 2002 and every second year thereafter, and after the 2010 special elections, every fourth year thereafter. In the case of the mayor and the prosecuting attorney, such special elections shall be held every fourth year following the 1992 election.

2. First special election: In the case of the offices of mayor, prosecuting attorney or councilmember, any candidate receiving a majority of the votes cast for that office shall be deemed

elected. However, if there is no more than one candidate for each of the offices of mayor, prosecuting attorney or councilmember, such persons shall be deemed elected regardless of the number of votes received.

3. Second special election: Unless a candidate for mayor, prosecuting attorney, or councilmember is elected in the first special election, the names of the two candidates receiving the highest number of votes for these offices in the first special election shall be placed on the ballot for the second special election. At the second special election the candidates receiving the highest number of votes for mayor, prosecuting attorney and councilmember, respectively, shall be deemed elected.

***Repeal RCH Section 16-122 and insert as new language:***

**Section 16- . Transitional Provisions for the Elimination of Councilmembers’  
Staggered Terms and the Extension of Term Limits From Two to  
Three Consecutive Terms —**

1. The staggering of councilmember terms shall end at twelve o’clock meridian on January 2, 2011, and shall be implemented in accordance with this section. Thereafter, councilmembers for all nine council districts shall be eligible for election to four-year terms commencing on January 2, 2011.

2. The extension of term limits from two to three consecutive four-year terms shall take effect at twelve o’clock meridian on January 2, 2011, and shall be implemented in accordance with this section. Thereafter, a person elected as councilmember shall be eligible for election to three consecutive four-year terms.

3. A person elected as councilmember to a four-year regular term in 2002 and 2006 in council districts II, IV, VI and VIII, shall thereafter be eligible for election to three consecutive four-year terms. A person elected as councilmember to a four-year regular term in 2006 in council districts II, IV, VI, and VIII shall thereafter be eligible for election to three consecutive four-year terms.

4. A person elected to serve as councilmember for council districts I, III, V, VII and IX in the special elections held in 2008, shall be elected to a two-year regular term commencing on January 2, 2009. After the expiration of the two-year regular term councilmembers for council districts I, III, V, VII and IX shall thereafter shall be eligible for election to three consecutive four-year terms.

***Create new section in RCH Article XVI:***

**Section 16- . Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.

### **FULL TEXT - CHARTER QUESTION #3**

*Create new section in RCH Article IX:*

#### **Section 9-204. Clean Water and Natural Lands Fund and Affordable Housing Fund —**

1. There shall be established a Clean Water and Natural Lands Fund and an Affordable Housing Fund. In adopting each fiscal year's budget and capital program, the council shall appropriate a minimum of one percent of the estimated real property tax revenues, one-half of which shall be deposited into the Clean Water and Natural Lands Fund and the remaining one-half of which shall be deposited into the Affordable Housing Fund.
2. Moneys in the Clean Water and Natural Lands Fund shall be used to purchase or otherwise acquire real estate or any interest therein for land conservation in the city for the following purposes: protection of watershed lands to preserve water quality and water supply; preservation of forests, beaches, coastal areas and agricultural lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conservation of land in order to reduce erosion, floods, landslides, and runoff; and acquisition of public access to public land and open space.
3. Moneys in the Affordable Housing Fund shall be used to provide and maintain affordable housing for persons earning less than fifty percent of the median household income in the city for the following purposes: provision and expansion of affordable housing and suitable living environments principally for persons of low and moderate income through land acquisition, development, construction, and maintenance of affordable housing for sale or for rental, provided that the housing remains affordable in perpetuity.
4. The moneys in each fund may also be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to enactment of this section and pursuant to Sections 3-116 or 3-117, in whole or in part, for the purposes enumerated in subsections 2 and 3 of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.
5. At any given time, no more than five percent of the moneys in each fund shall be used for administrative expenses.
6. Any balance remaining in each fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in each fund shall not be used for any purposes except those listed in this section.
7. The council shall by ordinance establish procedures for the administration and expenditure of moneys in each fund. The appropriations to each fund shall not substitute for, but shall be in addition to, those appropriations historically made for the purposes stated in this section.

*Create new section in RCH Article XVI:*

#### **Section 16- . Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.

## **FULL TEXT – CHARTER QUESTION #4**

### ***Amend RCH Section 6-803:***

#### **Section 6-803. Powers, Duties and Functions –**

The director of the department of environmental services shall:

- (a) Advise the director of design and construction concerning the planning and design of wastewater facilities.
- (b) Oversee the operation and maintenance of sewer lines, treatment plants and pumping stations.
- (c) Monitor the collection, treatment and disposal of wastewater.
- (d) Provide chemical treatment and pumping of defective cesspools.
- (e) Develop and administer solid waste collection, processing and disposal systems including a comprehensive curbside recycling system.
- (f) Promulgate rules and regulations as necessary to administer and enforce requirements established by law.
- (g) Perform such other duties as may be required by law.

### ***Create new section in RCH Article XVI:***

#### **Section 16- . Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.

## **FULL TEXT – CHARTER QUESTION #5**

### ***Amend RCH Section 11-106:***

#### **Section 11-106. Penalties and Disciplinary Action for Violations --**

The failure to comply with or any violation of the standards of conduct established by this article of the charter or by ordinance shall be grounds for impeachment of elected officers and for the removal from office or from employment of all other officers and employees. The appointing authority may, upon the recommendation of the ethics commission, reprimand, put on probation, demote, suspend or discharge an employee found to have violated the standards of conduct established by this article of the charter or by ordinance. The ethics commission may also impose civil fines established by ordinance for violations of the standards of conduct committed by elected officers of the city.

### ***Amend RCH Section 11-107 (see last paragraph):***

#### **Section 11-107. Ethics Commission –**

There shall be within the department of the corporation counsel for administrative purposes only an ethics commission which shall consist of seven members. The commission shall be governed by the provisions of Section 13-103 of this charter.

The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. Such staff and consultants may include attorneys who may advise the commission independently of the department of the corporation counsel. All staff positions shall be exempt from the provisions of Chapter 11 of Article VI of this charter, but such staff positions, except the position of executive director, shall be included in the position classification plan. The executive director shall be an attorney qualified to practice law in the State of Hawaii. The salary of the executive director shall be fixed by ordinance.

The commission is authorized to hold hearings and to conduct investigations concerning the application of this article of the charter and shall have the powers provided in Section 13-114 of this charter.

The commission may, on its own initiative, render advisory opinions with respect to this article of the charter. Advisory opinion shall be rendered pursuant to a written request of any elected or appointed officer or employee concerned and may be rendered pursuant to the request of any person. The commission shall publish its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the persons involved.

The commission may impose civil fines established by ordinance against elected officers of the city found to have violated the standards of conduct established by this article of the charter or by ordinance. The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article of the charter or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation.

### ***Create new section in RCH Article XVI:***

#### **Section 16- . Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.

## **FULL TEXT – CHARTER QUESTION #6**

### ***Amend RCH Section 13-116:***

#### **Section 13-116. City Elections --**

1. In general: City elections shall be conducted in accordance with the election laws of the state insofar as applicable, but all city elective officers shall be elected by nonpartisan special elections. Except as otherwise provided in this charter, such special elections shall be held in conjunction with the primary and general elections of the applicable year[.]; a special election held in conjunction with the primary election shall be designated the first special election and a special election held in conjunction with the general election shall be designated the second special election. In the case of the council, such special elections shall be held in 2002 and every second year thereafter. In the case of the mayor and the prosecuting attorney, such special elections shall be held every fourth year following the 1992 election.

2. [First special election: In the case of the offices of mayor, prosecuting attorney or councilmember, any candidate receiving a majority of the votes cast for that office shall be deemed elected. However, if there is no more than one candidate for each of the offices of mayor, prosecuting attorney or councilmember, such persons shall be deemed elected regardless of the number of votes received.

3. Second special election: Unless a candidate for mayor, prosecuting attorney, or councilmember is elected in the first special election, the names of the two candidates receiving the highest number of votes for these offices in the first special election shall be placed on the ballot for the second special election. At the second special election the candidates receiving the highest number of votes for mayor, prosecuting attorney and councilmember, respectively, shall be deemed elected.]

#### **Special elections:**

- (a) If there is no more than one candidate for any city elective office, then the name of that candidate shall be placed on the ballot for the first special election. The candidate shall be deemed elected at the first special election regardless of the number of votes received.
- (b) If there are only two candidates for any city elective office, the names of the two candidates shall be placed on the ballot for the second special election. At the second special election, the candidate receiving the highest number of votes cast for that office shall be deemed elected.
- (c) If there are three or more candidates for any city elective office, the names of the candidates shall be placed on the ballot for the first special election. If any candidate receives a majority of votes cast in the first special election for that office, that candidate shall be deemed elected. However, if no candidate receives a majority of votes cast in the first special election for that office, then the names of the two candidates receiving the highest number of votes cast for that office shall be placed on the ballot for the second special election. At the second special election, the candidate receiving the highest number of votes cast for that office shall be deemed elected.

### ***Create new section in RCH Article XVI:***

#### **Section 16- . Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.



## **FULL TEXT – CHARTER QUESTION #7**

***Amend RCH Section 3-122 (see paragraph no. 2):***

### **Section 3-122. Salary Commission --**

1. There shall be an independent salary commission to establish the salaries of all elected officials, including the mayor, councilmembers, and prosecuting attorney, and the following appointed officials: managing director, deputy managing director, department head, deputy department head, and band director. The commission shall also establish schedules for salaries of deputies of the corporation counsel and prosecuting attorney. The commission shall consist of seven members, who shall serve for staggered terms of five years and until their successors have been appointed and qualified. The initial appointments shall commence no later than January 15, 1993, and shall be as follows:

- |  |             |
|--|-------------|
| (1) Two members, one appointed by the mayor and one appointed by the council | Two years   |
| (2) Two members, one appointed by the mayor and one appointed by the council | Three years |
| (3) Two members, one appointed by the mayor and one appointed by the council | Four years  |
| (4) One member appointed by the mayor and confirmed by the council           | Five years  |

Each succeeding appointment shall be for a term ending five years from the date of the expiration of the term for which the predecessor had been appointed. The commission shall elect a chair from among its members and the commission shall act by a majority vote of its membership. Any vacancy shall be filled in the same manner as for an original appointment.

2. The commission shall convene annually no later than the first day of February, and shall, after public hearing, establish salaries and salary schedules no later than the first day of May subsequent thereto, said salaries and salary schedules to be effective prospectively from the first day of the fiscal year subsequent to their adoption by the commission. The commission may meet at other times during the year pursuant to its own rules, but may alter salaries and salary schedules no more than once annually. Any action of the commission altering salaries shall be by resolution accompanied by findings of fact. Said resolution shall be forwarded to the mayor and the council, [but shall take effect without their concurrence sixty calendar days after its adoption unless rejected by a three-quarters vote of the council's entire membership. The council may reject either the entire resolution or any portion of it.]

3. The commission shall set salaries in accordance with the principles of adequate compensation for work performed, and preservation of a sensible relationship with the salaries of other city employees.

4. The commission shall establish its rules of procedure and adopt rules and regulations pursuant to law.

5. The commission shall employ consultants and staff as is necessary to assist it in the performance of its duties.

6. The members of the salary commission shall serve without compensation but shall be reimbursed for expenses, including travel expense necessary for the performance of their duties.

*Create new section in RCH Article XVI:*

**Section 16- . Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.

## **FULL TEXT – CHARTER QUESTION #8**

### ***Amend RCH Section 6-1703:***

#### **Section 6-1703. Powers, Duties and Functions --**

The director of transportation services shall:

- (a) Plan, operate and maintain transportation, including transit and bikeway, systems to meet public transportation needs, in accordance with the general plan and development plans, and advise on the design and construction thereof.
- (b) Locate, select, install and maintain traffic control facilities and devices.
- (c) Provide educational programs to promote traffic safety.
- (d) Promulgate rules and regulations pursuant to standards established by law.

### ***Add new section to RCH Article VI Chapter 17:***

#### **Section 6-17 . Pedestrian and Bicycle Friendly City –**

It shall be one of the priorities of the department of transportation services to make Honolulu a pedestrian- and bicycle-friendly city.

### ***Create new section in RCH Article XVI:***

#### **Section 16- . Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.

## **FULL TEXT – CHARTER QUESTION #9**

### ***I. Amend RCH Section 6-207. “Liquor Commission –“ (to take effect July 1, 2007)***

#### **Section 6-207. Liquor Commission --**

The organization and the duties and functions of the liquor commission of the City and County of Honolulu shall be as provided by law, except that the commission shall be attached to the department of budget and fiscal services. The positions of liquor administrator, deputy liquor administrator, and one secretary, shall be exempt from civil service in accordance with Section 6-1103, and shall be appointed and may be removed in accordance with this section.

The liquor commission shall appoint and may remove a liquor administrator, who shall serve as the administrative head of the commission staff and shall be subject to the policies and directions of the commission.

The liquor administrator may appoint and may remove a deputy liquor administrator who shall serve as the first deputy to the administrator, and may appoint and may remove a secretary in the exempt position.

The liquor administrator may hire and may remove other staff in accordance with applicable law. The salaries of the staff shall be set in accordance with applicable law.

### ***II. Create new subsection (k) to RCH Section 6-1103. “Civil Service and Executive Branch Exemptions —“ (to take effect July 1, 2007)***

#### **Section 6-1103. Civil Service and Executive Branch Exemptions --**

The provisions of this chapter of the charter shall apply to all positions in the service of the executive branch. This section shall apply to semi-autonomous agencies as though they are departments of the executive branch. The following positions shall be exempt from the provisions of this chapter of the charter:

- (a) Positions of officers elected by public vote; positions of heads of departments; the position of the band director of the Royal Hawaiian Band; the position of the manager and chief engineer of the board of water supply and the manager of any semi-autonomous agency created by ordinance.
- (b) Positions in the office of the mayor, but such positions shall be included in the position classification plan. Employees of the civil defense agency and Royal Hawaiian Band, other than the band director, shall not be exempted from civil service.
- (c) Positions of deputies of the corporation counsel, deputies and administrative or executive assistants of the prosecuting attorney and law clerks.
- (d) Positions of members of any board, commission or equivalent body.
- (e) Positions of a temporary nature filled by students.
- (f) Personal services obtained by contract where the director has certified that the service is special or unique, is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform such service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year.
- (g) Personal services of a temporary nature needed in the public interest where the need for the same does not exceed one year, but before any person may be employed to render such temporary service, the director of human resources shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable.
- (h) Personal services performed on a fee, contract or piecework basis by persons who may lawfully perform their duties concurrently with their private business or profession or other private

employment, if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of time devoted to the service of the city and when such fact is certified to by the director of human resources.

(i) Positions of one first deputy; and for the Honolulu Police Department one additional deputy; private secretaries to heads of departments and their deputies; and the position of managing director, one first deputy and private secretaries to each; but private secretarial positions shall be included in the position classification plan. The first deputy in the department of human resources, however, shall not be exempt from civil service.

(j) Positions or personal services in demonstration programs and joint participation and special projects which serve the community; provided that such exemptions are required by federal law or rules and regulations and then in accordance with procedures established by ordinance.

(k) Positions in the liquor commission of the liquor administrator, the deputy liquor administrator, and one secretary, but such positions shall be included in the position classification plan.

The director of human resources shall determine the applicability of this section of the charter to specific employment or services in the executive branch.

**III. Create new RCH Section 16- \_\_\_\_\_. “Transition Provisions for Liquor Administrator and Deputy Liquor Administrator —“ (to take effect upon approval)**

**Section 16- \_\_\_\_\_. Transition Provisions for Liquor Administrator and Deputy Liquor Administrator**

**==**

1. The civil service positions of the liquor administrator and of the deputy liquor administrator of the liquor commission shall be abolished as of the end of the day, June 30, 2007.

2. Effective July 1, 2007, the positions of the liquor administrator and the deputy liquor administrator shall be established in the liquor commission and shall be exempt from civil service.

3. Any employee holding a permanent civil service appointment on June 30, 2007 to the position of the liquor administrator of the liquor commission or to the position of deputy liquor administrator shall be afforded such rights under civil service rules as are applicable to those whose civil service position has been abolished. Nothing in this section shall be construed as disqualifying such individuals from appointment after June 30, 2007 to the position of liquor administrator or deputy liquor administrator.

4. The liquor commission may select an individual for the exempt civil service position of liquor administrator prior to July 1, 2007, but the appointment to such position shall not take effect until July 1, 2007 or thereafter.

***Create new section in RCH Article XVI:***

**Section 16- \_\_\_\_\_. Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.

## **FULL TEXT – CHARTER QUESTION #10**

***Amend RCH Section 6-603 in its entirety:***

### **Section 6-603. Powers, Duties and Functions –**

The director of emergency services shall:

- (a) As to medical services:
    - (1) Be the primary provider of emergency medical care;
    - (2) Develop programs and provide training and educational programs related to emergency medical services and injury prevention;
    - (3) Be responsible for medical matters relating to public health and welfare.
  - (b) As to ocean safety:
    - (1) Be the primary responder to emergencies arising on the beach and in the near shore waters;
    - (2) Be responsible for ocean safety training, educational, and risk reduction programs relating to ocean safety.
  - (c) Perform such duties as may be required by law.
- [(a) Develop programs and deliver services related to emergency medical services.  
(b) Provide training and educational programs related to emergency medical services.  
(c) Be responsible for ocean safety training and operations in city parks.  
(d) Perform such other duties as may be required by law.]

***Amend RCH Section 6-1004:***

### **Section 6-1004. Powers, Duties and Functions –**

The fire chief shall:

- (a) Perform fire fighting and rescue work in order to save lives, [and] property and the environment from fires [and from emergencies arising on the sea and hazardous terrain].
- (b) Respond to emergencies arising on hazardous terrain and on the sea and hazardous material incidents.
- (c) Provide emergency medical care.
- [(b)] (d) Train, equip, maintain and supervise a force of fire fighting and rescue personnel.
- [(c)] (e) Monitor the construction and occupancy standards of buildings for the purposes of fire prevention.
- [(d)] (f) Provide educational programs related to fire prevention.
- [(e)] (g) Appoint the deputy fire chief and the private secretaries to the fire chief and the deputy fire chief.
- [(f)] (h) Perform such other duties as may be required by law.

***Create new section in RCH Article XVI:***

### **Section 16- . Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.

## **FULL TEXT – CHARTER QUESTION #11**

***Amend RCH Section 9-106 (see paragraph no. 3(a)):***

### **Section 9-106. Administration and Enforcement of the Budget Ordinances --**

1. Administration and enforcement of the legislative budget ordinance: Immediately following the enactment of the legislative budget ordinance, the presiding officer of the council shall submit to the director of budget and fiscal services a schedule showing the expenditures of the legislative branch anticipated for each quarter of the fiscal year. The schedule shall not require the approval of nor can it be altered by the mayor, and the council may proceed without any other authority to incur obligations and make expenditures after the schedule has been submitted. The director of budget and fiscal services shall approve or issue any requisition, purchase order, voucher, warrant or contract, in accordance with the schedule and upon request of the presiding officer of the council. Barring judicial order prohibiting the honoring of any specific requisition, purchase order, voucher, warrant or contract, the director of budget and fiscal services shall process the same for payment within three working days from the date of receipt thereof. Appropriations for the legislative branch shall be considered valid only for the fiscal year for which made, and any part of such appropriation which is not encumbered or expended shall lapse at the end of the fiscal year.

2. Administration and enforcement of the executive operating budget ordinance:

(a) The enactment of the executive operating budget ordinance or any supplementary appropriation shall constitute an appropriation of the sums specified therein for the purposes and from the funds indicated. Such appropriation shall be considered valid only for the fiscal year for which made, and any part of such appropriation which is not encumbered or expended shall lapse to the end of the fiscal year. Executive agencies authorized to make expenditures under the executive operating budget ordinance may proceed without other authority from the council to incur obligations or make expenditures for proper purposes to the extent that the moneys are available.

(b) Immediately following the enactment of the executive operating budget ordinance, the heads of all executive agencies shall submit to the director of budget and fiscal services schedules, supported by work programs, showing the expenditures anticipated for each quarter of the fiscal year.

(c) The approval of an expenditure schedule by the mayor shall constitute a budgetary allotment which shall, unless a revision thereof is approved by the mayor, be binding upon such agencies. The director of budget and fiscal services shall approve or issue no requisition, purchase order, voucher or warrant that is not in accordance with an allotment.

(d) The allotments herein provided may be altered at any time by the mayor. The mayor shall direct appropriate revisions in allotments to keep expenditures within the revenues received or anticipated.

(e) Any part of an allotment which is not expended or encumbered shall lapse at the end of the allotment period.

(f) The mayor may transfer an unencumbered appropriation balance or portion thereof within the same department only as prescribed by law. Transfers between departments shall be made only by the council by ordinance upon the recommendation of the mayor.

(g) The director of budget and fiscal services and the director's surety shall be liable for moneys withdrawn from any operating fund other than in accordance with the executive operating budget ordinance and allotments.

3. Administration and enforcement of the executive capital budget ordinance:

(a) Appropriations authorized in the executive capital budget ordinance or any supplementary appropriation shall be considered valid only for the fiscal year for which made and for twelve [six] months thereafter, and any part of such appropriations which is not expended or encumbered shall lapse twelve [six] months after the end of the fiscal year. Agencies authorized to make expenditures under the executive capital budget ordinance may proceed without other authority from the council to incur obligations or make expenditures for proper purposes to the extent that the moneys are available.

(b) The director of budget and fiscal services shall be responsible for the enforcement of the executive capital budget ordinance to the same extent that the director is responsible for the enforcement of the executive operating budget ordinance.

*Create new section in RCH Article XVI:*

**Section 16- . Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.



## **FULL TEXT – CHARTER QUESTION #12**

### ***(a) – Amend RCH Section 6-1202:***

#### **Section 6-1202. Powers, Duties and Functions --**

The director of information technology shall:

(a) Operate and maintain [a data processing system] information technology and telecommunications systems for the city government, excluding those systems maintained by the board of water supply and any other semi-autonomous agencies created by ordinance.

(b) Provide technical expertise and support in [data processing] information technology and telecommunication technology to the city government.

(c) Assist the managing director in [management] information technology and telecommunication technology [analysis] analyses and evaluation.

(d) Advise the mayor on [data processing] information technology and telecommunication technology matters.

(e) Perform such other duties as may be required by law.

### ***(b) – Amend RCH Section 4-104 (see paragraph no. 1):***

#### **Section 4-104. Appointment, Confirmation and Removal of Officers and Employees --**

1. All department heads and the managing director, as provided in Sections 5-201, 6-101, 6-103, 6-105, 6-201, 6-301, 6-401, 6-501, 6-601, 6-701, 6-801, 6-901, 6-1101, 6-1201, 6-1301, 6-1401, 6-1501, and 6-1701, shall be nominated and, by and with the advice and consent of the council, appointed and may be removed by the mayor, except as otherwise provided by this charter. Department heads shall be duly registered voters of the city and qualifications of department heads shall be as required by this charter.

2. When the position of head of an executive agency becomes vacant and the mayor is the appointing authority, the mayor may temporarily fill the vacancy by granting a commission allowing the nominee to fulfill the responsibilities of the position. The commission shall begin when the mayor submits to the council a request for confirmation. The commission shall expire when the council makes the confirmation decision. If the nominee fails to be confirmed by the council, the nominee shall not be eligible for another interim appointment to the same office.

3. Department heads may appoint the necessary staff for which appropriations have been made by the council.

4. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the person's office or position.

### ***(c) – Amend RCH Section 11-107 (see first paragraph):***

#### **Section 11-107. Ethics Commission –**

There shall be within the department of the corporation counsel for administrative purposes only an ethics commission which shall consist of seven members. The commission shall be governed by the provisions of Section 13-103 of this charter. In accordance with the prohibition in Article XIV of the Constitution of the State of Hawaii, the members of the ethics commission shall be prohibited from taking an active part in political management or in political campaigns.

The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. Such staff and consultants may include attorneys who may advise the

commission independently of the department of the corporation counsel. All staff positions shall be exempt from the provisions of Chapter 11 of Article VI of this charter, but such staff positions, except the position of executive director, shall be included in the position classification plan. The executive director shall be an attorney qualified to practice law in the State of Hawaii. The salary of the executive director shall be fixed by ordinance.

The commission is authorized to hold hearings and to conduct investigations concerning the application of this article of the charter and shall have the powers provided in Section 13-114 of this charter.

The commission may, on its own initiative, render advisory opinions with respect to this article of the charter. Advisory opinion shall be rendered pursuant to a written request of any elected or appointed officer or employee concerned and may be rendered pursuant to the request of any person. The commission shall publish its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the persons involved.

The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article of the charter or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation.

***(d) – Delete entire RCH Section 6-1608 and footnote:***

**[Section 6-1608. Political Activities Prohibited --**

Except for exercising the right to vote, no member of the police department shall support, advocate or aid in the election or defeat of any candidate for public office. Any violation of this section of the charter by a member of the department shall be cause for summary dismissal from the department.<sup>31</sup>

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<sup>31</sup>Prohibition ruled unconstitutional by the First Circuit Court in Civil No. 96-3234-08, SHOPO v. City and County of Honolulu, et al.; decision not appealed by City.]

***(e) – Amend RCH Section 4-104 (see paragraph no. 1):***

**Section 4-104. Appointment, Confirmation and Removal of Officers and Employees --**

1. All department heads and the managing director, as provided in Sections 5-201, 6-101, [6-103,] 6-105, 6-201, 6-301, 6-501, 6-601, 6-701, 6-801, 6-901, 6-1101, 6-1201, 6-1301, 6-1401, 6-1501, and 6-1701, shall be nominated and, by and with the advice and consent of the council, appointed and may be removed by the mayor, except as otherwise provided by this charter. Department heads shall be duly registered voters of the city and qualifications of department heads shall be as required by this charter.

2. When the position of head of an executive agency becomes vacant and the mayor is the appointing authority, the mayor may temporarily fill the vacancy by granting a commission allowing the nominee to fulfill the responsibilities of the position. The commission shall begin when the mayor submits to the council a request for confirmation. The commission shall expire when the council makes the confirmation decision. If the nominee fails to be confirmed by the council, the nominee shall not be eligible for another interim appointment to the same office.

3. Department heads may appoint the necessary staff for which appropriations have been made by the council.

4. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the person's office or position.

*(f) – Amend RCH Section 3-402 (see paragraph no. 2):*

**Section 3-402. Procedure for Enactment and Adoption --**

1. Petition. An ordinance may be proposed by petition, signed by duly registered voters equal in number to at least ten percent of the total voters registered in the last regular mayoral election.
2. Form of Petition. Each voter signing such petition shall add to the signature, the voter's printed name, residence, [social security number] and the date of signing.
3. Affidavit on Petition. Signatures may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that, to the best of the affiant's knowledge and belief, the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.
4. Proposed Ordinance. Such petition shall set forth the proposed ordinance, or a draft of the proposed ordinance may be attached and made a part of such petition.

*Amend RCH Section 12-103 (see first paragraph):*

**Section 12-103. Recall Petition; Recall Election --**

The recall petition shall require each signing voter's signature, address, [social security number,] council district, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

A recall petition shall be tendered for filing with the city clerk. The clerk shall examine it to see whether it contains a sufficient number of apparently genuine signatures of registered voters. The clerk may question the genuineness of any signature or signatures appearing on the recall petition and if the clerk finds that any such signature or signatures are not genuine, the clerk shall disregard them in determining whether the petition contains a sufficient number of signatures. The clerk shall also disregard any signature dated more than sixty days before the petition was tendered for filing. The clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet of the petition shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such an invalid sheet. The clerk shall complete the examination of the petition within twenty working days after the submission of the petition to the clerk and shall thereupon file the petition if valid or reject it if invalid.

As soon as the clerk has accepted a recall petition for filing, the clerk shall notify the elected officer that the petition has been filed. Upon receipt of such notice, the elected officer may resign from office and thereupon the recall proceedings shall terminate.

If the elected officer does not resign from office within ten days after notice of the filing of such petition shall have been given to such elected officer, the clerk shall arrange a recall election. If a general or special city or state election is to be held not less than thirty days nor more than ninety days after the ten days have expired, the recall question shall be placed before the voters at such an election. Otherwise a special recall election shall be fixed for a date not earlier than thirty days nor later than ninety days after ten days have expired. The elected officer may resign at any time prior to the recall election and thereupon the election shall not be held.

The following question shall be presented to each voter in a recall: "Shall (name of elected officer) be recalled and removed from the office of (title of office)?"

If a majority of the registered voters who vote on the question at a recall election shall vote "Yes," the elected officer shall be deemed recalled and removed from office. Otherwise, the said officer shall remain in office.

No person, who has been removed from elected office or who has resigned from such an office after a recall petition directed to the said person has been filed, shall be eligible for election or appointment to any office of the city within two years after said person's removal or resignation.

No recall petition shall be filed against an elected officer within the first or the last year of the officer's term or within six months after an unsuccessful recall election against such officer.

***Amend RCH Section 15-101 (see (b), second paragraph):***

**Section 15-101. Initiation of Amendments or Revisions --**

Except as hereinafter provided, amendments or revisions of this charter may be initiated only in the following manner:

(a) By resolution of the council adopted after three readings on separate days and passed by an affirmative vote of two-thirds of its entire membership at each reading.

(b) By petition presented to the council, signed by duly registered voters equal in number to at least ten percent of the total voters registered in the last regular mayoral election, setting forth the proposed amendments or revisions. Such petition shall designate and authorize not less than three nor more than five of the signers thereto to approve any alteration or change in the form or language or any restatement of the text of the proposed amendments or revisions which may be made by the corporation counsel.

Such petition shall include each signing voter's signature, residence, [social security number,] and date of signing. Signatures may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.

Upon filing of such petition with the council, the city clerk shall examine it to see whether it contains a sufficient number of apparently genuine signatures of registered voters. The clerk may question the genuineness of any signature or signatures appearing on the petition, and if the clerk finds that any such signature or signatures are not genuine, the clerk shall disregard them in determining whether the petition contains a sufficient number of signatures. The clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such invalid sheet. The clerk shall complete the examination of the petition within twenty working days.

Notwithstanding the foregoing, the corporation counsel, as revisor, may, subject to the provisions of Section 4-202 of this charter, prepare supplements or editions of the charter containing language which reflects an exercise of the reorganization power as prescribed therein.

*(g) – Create new section in RCH Article XIII:*

**Section 13-1 . Public Notices via Electronic Medium.**

Whenever a public notice is required by this charter or by ordinance to be published in a daily newspaper, the public notice shall also be distributed via an electronic medium, such as the Internet, within the same timeframe as the newspaper publication.

*Amend RCH Section 13-106 (see paragraph no. 2):*

**Section 13-106. Public Hearings; Notice --**

1. No public hearing shall be held by any agency or the council, unless public notice is given prior to such hearing.

2. Notice of any public hearing shall be adequately publicized at least ten days prior to such hearing via an electronic medium, such as the Internet, and in a daily newspaper of general circulation in the city and may be advertised, as deemed helpful, in such other newspapers and through communications media as will afford the public maximum information concerning such hearing. The notice shall include:

- (a) The date, time and place of such hearing.
- (b) A statement in plain language of the nature or purpose, including the issues involved, if any, of such hearing.
- (c) A statement that all interested persons shall be afforded the opportunity of being heard.

*Create new section in RCH Article XVI:*

**Section 16- . Effective Date of Revisions -**

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided.